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DEC 10 2009

OFFICE OF PETITIONS

In re Application of	:	
Satoshi Aoki	:	
Application No. 10/509,303	:	DECISION ON PETITION
Filed: June 22, 2005	:	
Attorney Docket No. 7272-137/10410482	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 05, 2009, to revive the above-identified application.

The petition is **GRANTED**.

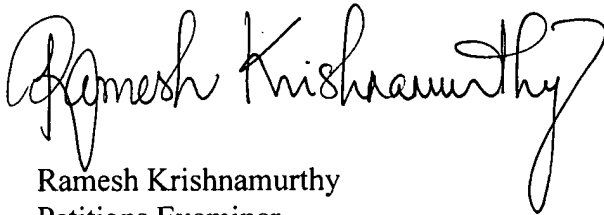
The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of February 03, 2009. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is May 04, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of \$810, and the submission required by 37 CFR 1.114; (2) the petition fee of \$1620; and (3) a proper statement of unintentional delay. Accordingly, the reply to the final Office Action of February 03, 2009 is accepted as having been unintentionally delayed

37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is not a correct reading of the statement appearing in the petition.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at (571) 272-2783.

This application is being referred to Technology Center AU 1795 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

A handwritten signature in black ink, reading "Ramesh Krishnamurthy". The signature is written in a cursive style with a large, stylized 'R' and a long, sweeping tail that extends downwards and to the right.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/509,303 Confirmation No. 5421
Applicant: Satoshi Aoki
Filed: June 22, 2005
Art Unit: 4132
Examiner: Shannon M. Gardiner
Atty. Dkt. No.: 7272-137/10410482
=====

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
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PETITION UNDER 37 CFR § 1.137

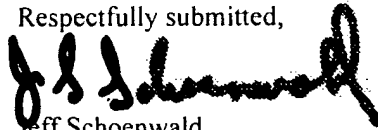
In response to the February 3, 2009 Final Office Action, in which a three month shortened statutory period expired on May 3, 2009, and in which the six month date for final reply was August 3, 2009, Applicant enters this petition to revive the application on grounds that the entire delay in filing the required reply from the due date for the reply until the filing of this petition pursuant to this paragraph was unintentional.

This petition is accompanied by a submission in response to the outstanding Office Action, as set forth in 37 CFR § 1.137(b)(1), and a Request for Continued Examination, as set forth in 37 CFR § 1.137(c).

The petition fee, as set forth in 37 CFR § 1.17(m), and the fee for the Request for Continued Examination, as set forth in 37 CFR § 1.17(e), are believed due and are authorized by credit card transaction. If the Commissioner determines that any additional fees are due or to be credited, please refer to Attorney docket No. 7272-137/10410482.

Dated: August 5, 2009

Respectfully submitted,



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enclosures